

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

VARDEN O. TAPLIN,

Petitioner,

v.

No. 9:04-CV-935
(FJS/RFT)

MICHAEL RABIDEAU,

Respondent.

APPEARANCES:

OF COUNSEL

VARDEN O. TAPLIN
Petitioner, Pro Se
02-B-1652
Groveland Correctional Facility
7000 Sonyea Road
Sonyea, NY 14556

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Attorney for Respondent
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MARIA MORAN, ESQ.
Assistant Attorney General

FREDERICK J. SCULLIN, JR., S.D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation and Order of Magistrate Judge Randolph F. Treece filed June 2, 2008 and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no

objections to said Report-Recommendation and Order having been filed, the Court hereby

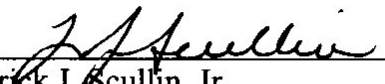
ORDERS that the Report-Recommendation and Order of Magistrate Judge Randolph F. Treece filed June 2, 2008 is **ACCEPTED** in its entirety; and the Court further

ORDERS that Taplin's Petition for a Writ of Habeas Corpus is **DENIED** and the Court further

ORDERS that because the Court finds Petitioner has not made a "substantial showing of the denial of a constitutional right" pursuant to 28 U.S.C. § 2253(c)(2), no certificate of appealability should issue with respect to any of the Petitioner's claims. See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

DATED: June 23, 2008
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge